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BANNER & WITCOFF 1001 G STREET N W			TORRES, MARCOS L	
SUITE 1100			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001			2687	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/085,910	AURANEN ET AL.				
Office Action Summary	Examiner	Art Unit				
	Marcos L Torres	2687				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. In the mailing date of this communication. D (35 U.S.C. § 133).				
Status		•				
1)⊠ Responsive to communication(s) filed on <u>04 Oc</u>	ctober 2004.					
3) Since this application is in condition for allowan	/					
Disposition of Claims						
4) ☐ Claim(s) 1 and 3-45 is/are pending in the application Papers 9) ☐ The specification is objected to by the Examiner 10) ☐ The drawing(s) filed on is/are: a) ☐ acceedable Applicant may not request that any objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11) ☐ The oath or declaration is objected to by the Examiner 11.	vn from consideration. r election requirement. r. epted or b) □ objected to by the legrawing(s) be held in abeyance. Second is required if the drawing(s) is objected to by the legrawing(s) is objected to by the legrawing(s).	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list of 	s have been received. s have been received in Applicati ity documents have been receive (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11105. 6. Patent and Trademark Office	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					
TOL-326 (Rev. 1-04)	tion Summan.	Port of Ponce No. (Mail Date 040405				

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-45 have been considered but are most in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claim 15 recites the limitation "said stream filter" in line 1. There is insufficient antecedent basis for this limitation in the claim.
- 4. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 5-6, 24, 26-29, 31, 33 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Dolan (U.S. Patent US006628632B1) and further in view of Malek (U.S. Patent US005822313A).

As to claim 1, Jonsson discloses a method for receiving at a mobile terminal a service signal formatted as a series of transmission bursts (see col. 8, lines 46-57), the service signal provided by each of a plurality of wireless transmitters (see col. 9, lines 45-53), said method comprising the steps of: receiving a first service signal broadcast by a first wireless transmitter (see col. 7, lines 20-48); if said first service signal meets a first predefined criterion (see col. 10, lines 3-10), deriving signal data from a second service signal broadcast by a second wireless transmitter (see col. 10, lines 11-15); and if said signal data from said second wireless transmitter meets a second predefined criterion, switching reception from said first wireless transmitter to said second wireless transmitter after a first service signal transmission burst has been received (see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose that the broadcast data is video or the base station uses different frequencies. In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting. In an analogous art, Malek discloses using different frequencies for different base station (see col. 1, lines 58-63), thereby minimizing co-channel interference. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add these teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claim 5, Jonsson discloses a method further comprising the step of sending said first service signal to an application processor for conversion (see col. 5, line 40 - col. 8, line 24), to a data packet (see col. 6, lines 13-28). In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for improved network bandwidth management.

As to claims 6, 26 and 33, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first service signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55). Jonsson does not specifically disclose that the broadcast data is video. In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claim 24, Jonsson discloses a mobile terminal suitable for receiving information from a plurality of synchronized digital broadcasting wireless transmitters (see col. 2, lines 32-38), said mobile terminal comprising: a digital broadcast receiver configured to receive at least a first portion of the information as a first transmission burst, said first transmission burst broadcast by a first digital video broadcasting wireless transmitter (see col. 7, lines 20-48); a processor coupled to the digital

broadcast receiver (see col. 7, lines 54-57), switch reception by the digital broadcast receiver from the first digital broadcasting wireless transmitter to a second digital video broadcasting wireless transmitter (see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose the type of data, buffer configured to store said first transmission burst and going a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital video broadcasting wireless transmitters. In an analogous art, Malek discloses a buffer configured to store said first transmission burst; a mobile station executing a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital broadcasting wireless transmitters (see col. 6. lines 31-35; col. 3, lines 56 67; col. 4, lines 10-14). In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claim 31, Jonsson discloses a digital broadcasting system comprising: a first digital broadcasting transmitter configured to broadcast information as a first plurality of consecutive transmission bursts (see col. 7, lines 20-48; col. 9, lines 45-53); a second digital video broadcasting transmitter configured to broadcast the information as a second plurality of consecutive transmission bursts in synchronization with the first plurality of consecutive transmission bursts (see col. 10, lines 11-15; col. 5, lines 40-49),

and a receiver system configured to receive said information (see col. 5, line 56 – col. 6, line 1), said receiver further including a processor, and executable instructions executed by the processor (see col. 6, lines 15-24; 52-59 col. 8, lines 18-25), cause the processor to perform a hand-over from said first digital broadcasting transmitter to said second digital broadcasting transmitter upon receipt of a first transmission burst, if at least one predefined criterion has been met (see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose the video data, receiver system including a buffer configured to buffer said transmission bursts or handover prior to a consecutive transmission burst. In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting. In an analogous art, Malek discloses a buffer configured to store said first transmission burst; a mobile station executing a handover after reception of said first transmission burst has been completed and before a consecutive transmission burst is sent by the synchronized first and second digital broadcasting wireless transmitters (see col. 6, lines 31-35; col. 3, lines 56 67; col. 4, lines 10-14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for enhanced management of system resources.

As to claim 27, Jonsson discloses wherein the switching of said signal data from said second wireless transmitter meets a second predefined criterion, switching reception from said first wireless transmitter to said second wireless transmitter after a first service signal transmission burst has been received (see col. 10, line 3 - col. 11, line 45). In an analogous art, Dolan discloses wherein the broadcast data is video (see

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col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson method for maintaining the data quality in a mobile multimedia device.

As to claims 28 and 29, Malek discloses the mobile terminal wherein the executable instructions are further for converting said first transmission burst in a data stream (see col. 4, lines 9-25).

As to claim 41, Malek discloses wherein the pluralities of transmitters are synchronized (see col. 2, lines 49-53).

As to claim 42, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a service signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive service signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Dolan (U.S. Patent US006628632B1) and further in view of Malek (U.S. Patent US005822313A) as applied to claims 1, 5-6, 24, 26-29, 31, 33 and 41-42 above, and further in view of Ahopelto (U.S. Patent 5,970,059).

As to claim 3, Jonsson discloses everything claimed as explained above except for the step of stripping encapsulation from said first signal after receipt by the mobile station or the broadcast data is video. Ahopelto discloses the step of stripping encapsulation from said first signal after receipt by the mobile station (see col. 9, lines

28-30). In an analogous art, Dolan discloses wherein the broadcast data is video (see col. 4, lines 24-34), thereby allowing the transmission of digital video broadcasting.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching for the simple purpose of using the data.

As to claim 4, OFFICIAL NOTICE IS TAKEN THAT the use of several synchronized transmitters is a common and well-known technique used in several wireless communication standards such as GSM and TDMA. Also, the EN 301192 is a common and well-known standard. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use such standards in the Jonsson system for the simple reason of compatibility.

9. Claims 7-8, 25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Dolan (U.S. Patent US006628632B1) and further in view of Malek (U.S. Patent US005822313A) as applied to claims 1, 5-6, 24, 26-29, 31, 33 and 41-42 above, and further in view of Nguyen (U.S. Patent 5,359,607).

As to claims 7-8, 25 and 34-35, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

10. Claims 21, 23, 36-38 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Nguyen and further in view of Malek (U.S. Patent US005822313A).

As to claim 21, Jonsson discloses a method for receiving a series of service signals provided by each of plurality of wireless transmitters (see col. 9, lines 45-53). said method comprising the steps of: selecting a first synchronized wireless transmitter from a plurality of synchronized wireless transmitters for providing information (see col. 9, lines 1-20), each said synchronized wireless transmitter broadcasting; receiving service signals broadcast by the first synchronized wireless transmitter (see col. 7, lines 20-48); deriving a first quality rate for information received from said first wireless transmitter; if said first quality rate for said first wireless transmitter is greater than a predefined quality value, deriving a second quality rate for a second synchronized wireless transmitter; and if said second quality rate is less than said quality value, selecting said second synchronized wireless transmitter for providing the information(see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose that the quality rate is a bit error rate or the BTS on different frequencies. Nouven discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7. line 39 - col. 8, line 14). In an analogous art, Malek discloses using different frequencies for different base station (see col. 1, lines 58-63), thereby minimizing co-channel interference. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

As to claim 36, Jonsson discloses a method for receiving a series of service signals provided in synchronization by each of first and second wireless transmitters, said method comprising the steps of: receiving service signals broadcast synchronously by the first and second wireless transmitters (see col. 2, lines 32-38; col. 5, line 45-49), selecting the first wireless transmitter for receiving information broadcast in consecutive transmission bursts, (see col. 9, lines 1-20), each said synchronized wireless transmitter broadcasting; receiving service signals broadcast by the first synchronized wireless transmitter (see col. 7, lines 20-48); deriving a first quality rate for information received from said first wireless transmitter; if said first quality rate for said first wireless transmitter is greater than a predefined quality value, deriving a second quality rate for a second synchronized wireless transmitter; and if said second quality rate is less than said quality value, selecting said second synchronized wireless transmitter for providing the information(see col. 10, line 3 - col. 11, line 45). Jonsson does not specifically disclose that the quality rate is a bit error rate or the BTS on different frequencies. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). In an analogous art, Malek discloses using different frequencies for different base station (see col. 1, lines 58-63), thereby minimizing cochannel interference. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

As to claims 23 and 38, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first service signal measured by the

mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

As to claim 37, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a service signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive service signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

As to claim 45, Malek discloses wherein the pluralities of transmitters are synchronized (see col. 2, lines 49-53).

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Nguyen and further in view of Malek (U.S. Patent US005822313A) as applied to claims 21, 23, 36-38 and 45 above, and further in view of Taketsugu (U.S. Patent US005420863A).

As to claim 22, Jonsson discloses everything claimed as explained above except for selecting a wireless transmitter between transmissions burst. In an analogous art, Taketsugu discloses selecting a wireless transmitter between transmissions burst (see col. 6, lines 41-56), thereby allowing a smooth transition between transmitters without loosing or having to retransmit data. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for enhanced management of system resources.

12. Claims 9, 11-14, 16, 18, 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen (U.S. Patent 5,764,700).

As to claims 9, 12-14 and 16, Jonsson discloses a mobile terminal suitable for receiving information from a plurality of wireless transmitters, said mobile terminal comprising: a digital broadcast receiver for receiving at least a first portion of the information as a first transmission burst, said first transmission burst broadcast by a first wireless transmitter; and means for switching reception from the first wireless transmitter to a second wireless transmitter after reception of said first transmission burst has been completed (see col. 5, line 40 - col. 11, line 42). Jonsson does not specifically disclose an elastic buffer in the receiver. Makinen discloses an elastic buffer in the receiver (see col. 2, line 59 - col. 3, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Jonsson apparatus for a reliable reception of data even if the timing are not precise.

Regarding claim 11, Jonsson discloses the mobile terminal further comprising means for deriving a received signal strength indicator value for said first transmission burst (see col. 10, lines 30-38).

As to claim 18, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first service signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

As to claim 39, Jonsson discloses wherein the receiver system comprises a mobile terminal (see col. 1, lines 5-8).

As to claim 43, Jonsson discloses wherein the pluralities of transmitters are synchronized (see col. 11, lines 30-34).

13. Claims 10 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen as applied to claims 9, 11-14, 16, 18, 39 and 43 above, and further in view of Nguyen (U.S. Patent 5,359,607).

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As to claims 10 and 19-20, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen as applied to claims 9, 11-14, 16, 18, 39 and 43 above, and further in view of Doshi (U.S. Patent 5,936,965).

As to claim 17, Jonsson discloses a transmitter and encapsulating a transmission burst as mentioned above. Doshi discloses a transmitter using more than one protocol (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for compatibility purposes.

15. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Dolan (U.S. Patent US006628632B1) and further in view of Malek (U.S. Patent US005822313A) as applied to claims 1, 5-6, 24, 26-29, 31, 33 and 41-42 above, and further in view of Doshi (U.S. Patent 5,936,965).

above, and further in view of Malek.

As to claim 32, Jonsson discloses a transmitter and encapsulating a transmission burst as mentioned above. Doshi discloses a transmitter using more than one protocol (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for compatibility purposes.

16. Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen as applied to claims 9, 11-14, 16, 18, 39 and 43

As to claim 40, Jonsson discloses the digital broadcasting system everything claimed as explained above except for wherein executing a hand-over from said first transmitter to said at least one other transmitter upon receipt of said transmission burst comprises completing the hand-over prior to a consecutive transmission burst transmitted by the synchronized first and other transmitters. In an analogous art, Malek discloses wherein executing a hand-over from said first transmitter to said at least one other transmitter upon receipt of said transmission burst comprises completing the hand-over prior to a consecutive transmission burst transmitted by the synchronized first and other transmitters (see col. 6, lines 31-35; col. 3, lines 56 67; col. 4, lines 10-14).

As to claim 44, Malek discloses method wherein said step of selecting said second wireless transmitter for receiving the information is performed after receipt of a service signal transmission burst from said first wireless transmitter, and prior to receipt of a consecutive service signal transmission burst from said second wireless transmitter (see col. 6, lines 31-35).

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen (U.S. Patent 5,764,700) as applied to claims 9, 11-14, 16, 18, 39 and 43 above, and further in view of Lim (U.S. Patent US006766168B1).

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As to claim 15, Jonsson discloses everything claimed as explained above except for the mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter. In an analogous art, Lim discloses a mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter (see col. 4, lines 23-39), thereby allowing the use of the Internet in the mobile device. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for enhanced features for the user.

18. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson (U.S. Patent 5,513,246) in view of Dolan (U.S. Patent US006628632B1) and further in view of Malek (U.S. Patent US005822313A) as applied to claims 1, 5-6, 24, 26-29, 31, 33 and 41-42 above, and further in view of Lim (U.S. Patent US006766168B1).

As to claim 30, Jonsson discloses everything claimed as explained above except for the mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter. Lim discloses a mobile terminal wherein said stream filter comprises an Internet Protocol (IP) filter (see col. 4, lines 23-39), thereby allowing the use of the Internet in the mobile device. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for enhanced features for the user.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Marcos L Torres Examiner Art Unit 2687

ELISEO RAMOS-FELICIANO PATENT EXAMINER

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